



STATE OF WASHINGTON

COMMISSION ON HISPANIC AFFAIRS
COMISIÓN DE ASUNTOS HISPANOS

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Antonio M. Ginatta,
Executive Director

June 16, 2003

Governor Gary Locke
Insurance Building
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Locke:

On behalf of the Commission on Hispanic Affairs, I would like to thank you for your leadership during this difficult and contentious battle on unemployment insurance reform. Thanks in part to your public statements on the need to protect communities of color in the reform process, tens of thousands of Latinos and farm workers were not made ineligible for UI as was proposed in the original business reform plan.

We write to you to share some concerns about the final version of the UI reform package, which awaits your signature. The Commission is concerned about the narrowing of the "good cause" provisions for people who are forced to leave work due to work-related factors. Under current law, a person is still eligible for unemployment insurance if that person leaves work due to problems at the worksite that were of such magnitude that any reasonably prudent person would be forced to terminate employment.

The status of current law allows for victims of sexual harassment to leave work and still qualify for unemployment insurance, even without reporting such harassment to a supervisor. The Washington Court of Appeals agreed with the claimant in *Hussa v. Emp. Sec. Dept.*, 664 P.2d 1286 (Wash.App. 1983) that a person who is sexually harassed may not be

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able to address her concerns with her supervisor because the employee might: be embarrassed to discuss the matter with a supervisor; be afraid of reprisals; or fear that she would not be believed if she reported the matter. The guidelines in *Hussa* would also likely apply to harassment based on race, ethnicity, or national origin.

Under the proposal on your desk, an employee will be forced in *all* circumstances to report harassment to a supervisor as a precursor to being found eligible for unemployment (Sec. 4(2)(b)(ix)). To require this reporting across the board is simply unjust and unreasonable. We are familiar with cases of Latino workers who have been verbally abused, who have been physically threatened by employers, who have been denied basic rights (as basic as bathroom breaks), who have been targets of repeated slurs and derogatory comments to the point that they have no other choice but to terminate employment. To require reporting this harassment, even when it is clearly futile, will force workers to continue working under untenable conditions.

We hope that you can recognize the problems inherent in placing such a burden on employees. We therefore suggest that you maintain the current system of determining "good cause" for employees who are forced to terminate employment.

On a more general note, the Commission has recognized (though with difficulty) that recipients of unemployment insurance were and are going to suffer in this reform process. Many of the recipients of unemployment insurance are Latinos, many are farm workers. The reduction in benefits will undoubtedly cause much strain to Latino workers across the state. However, even in the face of these jarring cuts, the UI system is still a system created to protect workers from the perils of sudden and unforeseen unemployment. As the intent section of the current unemployment insurance law reads, "economic insecurity due to unemployment... requires appropriate action by the legislature to prevent its spread and to lighten its burden which now so often falls with crushing force upon the unemployed worker and his family." The basic and overarching drive behind unemployment is the protection of workers from the unexpected burden of unemployment.

Having said this, the reform proposal passed by the Legislature seeks to change the intent section of the UI law by deleting the following clause:

"...this title shall be liberally construed for the purpose of reducing involuntary unemployment and the suffering caused thereby to the minimum." This change to the law rubs salt in the wound of UI reform. When unemployed farm workers are poised to lose over \$200 a month in benefits, forcing them to choose between food, or shelter, or medicine, this proposed change to the intent section is nothing less than cruel. With utmost respect, we advise you to maintain the original intent of unemployment insurance and veto this change to the basic purpose of unemployment insurance in our state.

Sincerely,

A handwritten signature in black ink, appearing to be 'AMG' with a long, sweeping horizontal line extending to the right.

Antonio M. Ginatta
Executive Director